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mIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAWILLIAM R. BRANCH,
Plaintiff

v.

MR. RUSSIAN, *et al.*,
Defendants

CIVIL NO. 1:CV-00-1728

(Judge Rambo)

FILED
HARRISBURG, PA

OCT 01 2001

ORDERMARY E. D'ANDREA, CLERK
Per MA
Deputy Clerk


Plaintiff, William Branch, an inmate confined at the State Correctional Institution, Waymart, Pennsylvania, filed this civil rights action pursuant to 42 U.S.C. § 1983. Defendant Hefferman filed a motion to dismiss the complaint (Doc. 28) on August 28, 2001, which was accompanied by a brief in support and supporting exhibits.¹ (Docs. 29 and 30.) In response, plaintiff has filed a "mandamus" (Doc. 31) and a "motion not to dismiss anyone" (Doc. 33). Plaintiff's documents are clearly in direct response to defendant Hefferman's motion to dismiss.

Accordingly, **IT IS HEREBY ORDERED THAT:**

- 1) Plaintiff's mandamus (Doc. 31) will be construed as his brief in opposition to defendant Hefferman's motion to dismiss.
- 2) Plaintiff's motion to not dismiss anyone (Doc. 33) will be construed as a supplemental brief to his opposition brief.

1. The supporting exhibits consist of courtesy copies of case law and regulations which are readily available to this court. Accordingly, it is not necessary for the court to treat the motion as a motion for summary judgment. *See* Fed. R. Civ. P. 12(b); *see also Camp v. Brennan*, 219 F.3d 279, 280 (3d Cir. 2000).

3) Defendant Hefferman may file a reply brief, if he so chooses, within ten days from the date of this order.


SYLVIA H. RAMBO
United States District Judge

Dated: October / , 2001.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

Re: 1:00-cv-01728 Branch v. D.O.C. John Does

True and correct copies of the attached were mailed by the clerk
to the following:

William R. Branch, CF-3756
SCI-WAYMART
P.O. Box 256 Route 6
Waymart, PA 18472-0256

Gwendolyn T. Mosley, Esq.
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cc:

Judge	(X)	(X) Pro Se Law Clerk
Magistrate Judge	()	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Standard Order 93-5	()	
Bankruptcy Court	()	
Other _____	()	

MARY E. D'ANDREA, Clerk

DATE: October 1st, 2001

BY: 
Deputy Clerk